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Mr. Justice Holmes has pointed out that "We must be cautious about pressing the broad words of the Fourteenth Amendment to a drily logical extreme. Many laws which it would be vain to ask the court to overthrow could be shown, easily enough, to transgress a scholastic interpretation of one or another of the great guarantees in the Bill of Rights."¹¹ Similarly, Mr. Justice Field, in speaking of the Fourteenth Amendment, says: "Neither the amendment, broad and comprehensive as it is, nor any other amendment, was designed to interfere with the power of the state, sometimes called its police power, to prescribe regulations to promote the health, peace, morals, education, and good order of the people, and to legislate so as to increase the industries of the state, develop its resources, and add to its wealth and prosperity."¹²

T. G. C.

CONSTITUTIONAL LAW: PERSONAL SERVICE OF PROCESS.—The State of New Jersey has set a fashion in automobile legislation for which we may venture to predict a considerable vogue. She requires any non-resident automobilist entering New Jersey to constitute the secretary of state his attorney upon whom process may be served in any suit brought in consequence of damage done in the state, notice being then mailed to whatever address he has left for that purpose. Hitherto, the motorist has certainly been within the rule that in a personal action due process of law demands that the defendant either voluntarily appear or be personally served with process within the jurisdiction.¹ It is settled, however, that foreign corporations may be required to submit to a substituted service of process, upon the ground that their admission into a state is a matter of favor, to which the state may attach whatever conditions it likes.² Such justification is not present in the case of an individual or a partnership, for these are entitled to enter a state to transact business as a matter of right, so that similar statutes attempting to regulate them have been held unconstitutional in state and lower Federal courts,³ as a denial of due process of law and of the privileges and immunities of citizenship in the

¹¹ *Noble State Bank v. Haskell* (1911), 219 U. S. 104, 55 L. Ed. 112, 31 Sup. Ct. Rep. 186, 32 L. R. A. (N. S.) 1062.

¹² *Barbier v. Connolly* (1885), 113 U. S. 27, 28 L. Ed. 923, 5 Sup. Ct. Rep. 357.

¹ *Pennoyer v. Neff* (1878), 95 U. S. 714, 24 L. Ed. 565; *Hart v. Sansom* (1884), 110 U. S. 151, 28 L. Ed. 101, 3 Sup. Ct. Rep. 586; *Dull v. Blackman* (1898), 169 U. S. 243, 42 L. Ed. 733, 18 Sup. Ct. Rep. 333.

² Cal. Civ. Code, § 405; *Waters Pierce Oil Co. v. Texas* (1900), 177 U. S. 28, 44 L. Ed. 657, 20 Sup. Ct. Rep. 518.

³ *Brooks v. Dunn* (1892), 51 Fed. 138; *Moredock v. Kirby* (1902), 118 Fed. 180; *Caldwell v. Armour* (1899), 1 Pen. (Del.) 545, 43 Atl. 517; *Flexner v. Farson* (1915), 268 Ill. 435, 109 N. E. 327; *Cabanne v. Graff* (1902), 87 Minn. 510, 92 N. W. 461, 59 L. R. A. 735; note in 44 Am. Dec. 570; contra *Guenther v. American Steel Hoop Co.* (1903), 116 Ky. 580, 76 S. W. 419. See Cal. Civ. Code, § 2472.

several states. There are intimations to the same effect in decisions of the United States Supreme Court.⁴ But in *Pennoyer v. Neff*,⁵ that court said that it did not "mean to assert that a State may not require a non-resident entering into a partnership within its limits, or making contracts enforceable there, to appoint an agent . . . in the state to receive service of process . . . and provide upon his failure to make such appointment . . . that service be made upon a public officer designated for that purpose."

Since the automobilist is likewise entitled to enter the state as a matter of right, the New Jersey statute would seem to call for some discussion of this apparently unsettled point; but in *Kane v. New Jersey*,⁶ the Court, speaking through Mr. Justice Brandeis, was content to uphold the enactment upon the ground that "the speed of the automobile and the habits of men" rendered it reasonable in the interest of public safety, and that non-residents were not discriminated against but on the contrary were put on an equality with residents. If this, then, be a measure conferring equality upon the non-resident automobilist, a similar enactment respecting any non-resident entering the state for any purpose, or never entering it at all, must also be a measure promotive of equality. For so far as inequality goes all non-residents are clearly in the same situation. Or if we are to stress the imponderable contribution of such a measure to the public safety, a similar requirement from all transients would be undeniably productive of the same effect. It is axiomatic that danger emanates from the least suspected sources, and we may suppose that Pandora herself, to whom the responsibility for the existence of all of these perplexing problems may be directly traced, was a person of a sufficiently innocuous appearance. But what State would not wish to impose upon visits from her some such restraining influence as the New Jersey statute is credited with contemplating? In short, the considerations suggested by the court, if true, do not seem conclusive. Are the rather fragmentary remarks of the court to be taken as an endorsement and extension of what in *Pennoyer v. Neff* the court merely took pains not to deny?

C. A. R.

CRIMINAL LAW: SELF HELP: RETALIATION.—In *People v. Finali*¹ A hit B with a rock and ran inside a warehouse. B pur-

⁴ *D'Arcy v. Ketchum* (1850), 11 How. 165, 13 L. Ed. 648; *Mason v. Eldred* (1868), 6 Wall. 231, 18 L. Ed. 783; *Hall v. Lanning* (1875), 91 U. S. 160, 23 L. Ed. 271; *Sugg. v. Thornton* (1889), 132 U. S. 524, 33 L. Ed. 447, 10 Sup. Ct. Rep. 163.

⁵ Note 2, *supra*.

⁶ (Dec. 4, 1916), 242 U. S. 160, 37 Sup. Ct. Rep. 30. Cf. *Kane v. State* (1911), 81 N. J. L. 594, 80 Atl. 453, Ann. Cas. 1912-D, 237; and *Cleary v. Johnston* (1909), 79 N. J. L. 49, 74 Atl. 538.

¹ (Sept. 19, 1916), 23 C. A. D. 419, 160 Pac. 850.